

## Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 /017 W  
-----142010Z 025288 /43

R 141554Z MAR 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 6455  
INFO USMISSION USBERLIN

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E.O. 11652: N/A  
TAGS: PFOR, GW, US, WB  
SUBJECT: US-FRG EXTRADITION TREATY

REF: BONN 3795

1. IN FOLLOW-UP CONVERSATION AFTER TRANSMISSION OF REFTEL, FRG JUSTICE MINISTRY REP (WALTER) RAISED SEVERAL LINGUISTIC DISCREPANCIES THAT HAD TURNED UP AS RESULT OF MINISTRY COMPARISON OF ENGLISH TEXT TRANSMITTED BY BONN'S A-66 AND GERMAN TEXT EMB HAS JUST RECEIVED (COPY BEING TRANSMITTED BY AIRGRAM).
2. IN ARTICLE 2(3)(B), WALTER ASKED WHETHER ENGLISH TERM "USE OF THE MAILS" CORRESPONDS AS WE UNDERSTAND IT TO THE GERMAN TEXT WHICH TRANSLATES AS "USE OF THE MAIL OR OTHER MEANS OF COMMUNICATION". COMMENT: ENGLISH TERM APPEARS NOT AS CLEARLY AS IT SHOULD TO ENCOMPASS TELECOMMUNICATIONS.
3. WALTER SUGGESTED REPLACEMENT IN ARTICLE 17(2) OF THE WORD "ANOTHER" BY "THE OTHER", THERE BEING ONLY TWO REQUESTING STATES ENVISAGED IN ARTICLE 17(1) AND THUS PROBABLY ALSO IN ARTICLE 17(2).

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4. ARTICLE 20 - WALTER INQUIRED ABOUT THE USE OF THE TERM "COURT OF COMPETENT JURISDICTION," WHEN USE OF "A COMPETENT COURT" WOULD BE CONSISTENT WITH TERM USED IN OTHER ARTICLES. WALTER ALSO NOTED INADVERTENT OMISSION IN ENGLISH TEXT OF SECOND SENTENCE: "IN THIS CASE THE REQUESTED STATE SHALL ADVISE THE REQUESTING STATE."

5. ARTICLE 26(4)(A) - WALTER POINTED OUT THAT IN  
LINE 5 REFERENCE SHOULD BE TO ARTICLE 14, PARAGRAPH  
(3)(A) RATHER THAN TO (3)(B).

TURNING TO THE LAST SENTENCE OF PARAGRAPH  
4(A) OF THIS TICLE, WALTER SAID THAT MERE NOTIFICATION  
AND THE WARRANT OF SURRENDER ISSUED BY A THIRD STATE  
WOULD NOT BE ENOUGH FOR FRG AUTHORITIES TO HOLD THE  
PERSON BEING TRANSITED. WALTER REFERRED TO FACT THAT  
EARLIER AGREED TEXT HAD BEEN ACCEPTED BY WEHMEYER AS  
RESULT OF DEPARTMENT MESSAGE ABOUT MID-APRIL 1973.  
EMB HAS CHECKED STATE 68079 OF APRIL 12, 1973 WHICH  
CONFIRMS WALTER'S UNDERSTANDING, AS DO WEHMEYER'S  
NOTES. THUS, THIS SENTENCE SHOULD READ: "IN THE CASE  
OF AN UNSCHEDULED LANDING SUCH NOTIFICATION SHALL  
HAVE THE EFFECT OF A REQUEST FOR PROVISIONAL ARREST  
AS PROVIDED FOR IN ARTICLE 16; THEREAFTER A FORMAL  
REQUEST FOR TRANSIT SHALL BE MADE." WALTER WAS AWARE  
OF CAVEAT THAT UNSCHEDULED LANDING IN US IN THESE  
CIRCUMSTANCES MAY UNAVOIDABLY HAVE AS CONSEQUENCE NEED  
TO PROCESS FULL EXTRADITION REQUEST ON BASIS OF FULL  
SUPPORTING DOCUMENTATION. HE SAID GERMAN SIDE WAS  
WILLING TO ACCEPT THIS RISK IN THE UNLIKELY EVENT OF  
THESE CIRCUMSTANCES.

6. EMB REQUESTS THAT ABOVE SUGGESTED CHANGES TO THE  
TEXT FORWARDED WITH BONN'S A-66 BE INCLUDED IN  
DEPARTMENT'S EXAMINATION OF THAT TEXT IN LIGHT OF  
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COMMENTS IN BONN'S 3795. DEPARTMENT MAY WISH TO HAVE  
ITS LANGUAGE SERVICE CHECK ENGLISH TEXT OF A-66,  
AS AMENDED, AGAINST GERMAN TEXT.  
STOESSEL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
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**Original Handling Restrictions:** n/a  
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**Reference:** 77 BONN 3795  
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**TAGS:** PFOR, GE, US, WB  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009